

REMARKS

Claims 1-4, 7, 13, 16, 19, 22, 25, 28, 31, 34, 37, 42, 44, 52, 56, and 60-66 are pending in this application. No claims have been amended in this response.

Applicant wishes to thank the examiner for indicating allowable subject matter of claims 7, 13, 16, 19, 28, 31, 34, 37, 42, 44, and 61.

According to the Office Action, claims 1-4, 22, 25, 52, 56, 60, and 62-66 are rejected under 35 USC 102(e) as allegedly anticipated by US Patent 7,496,081 (Salokannel). In response, the rejections are respectfully traversed.

It is respectfully submitted that pursuant to 35 USC 102(e), a person shall be entitled to a patent unless:

“(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.”

It is respectfully submitted that Salokannel was filed on May 19, 2004 claiming benefit to a continuation-in-part to Application Serial No. 10/838,217 filed May 5, 2004. It is believed that the portions of the disclosure that the examiner relies upon to reject Applicant’s claims are not found in the ‘217 application. Hence, Salokannel’s date as the prior art reference is May 19, 2004.

The current application is the national phase of the international application PCT/IB2005/050474 filed February 4, 2005. This international application claims the benefit of two US provisional applications: Serial No. 60/542,529 filed February 6, 2004, and Serial No. 60/628,410 filed November 16, 2004. The priority of these two applications was properly claimed. See “Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495” dated July 7, 2008. Hence, the earliest priority date of the present application, based on its earliest filed provisional application, is February 6, 2004. It is believed that Applicant’s currently pending claims are fully supported by the US provisional application Serial No. 60/542,529, filed February 6, 2004 (“provisional application”).

On page 2 of the final Office Action, it is alleged that the claims are not fully supported by Applicant's provisional application. More specifically, the Office Action alleges that the provisional application does not disclose a "dynamic beacon period," and therefore the claims are not given the earlier priority date of February 6, 2004.

Applicant respectfully traverses these allegations by specifically citing the portions of the provisional application in connection with Applicant's specification as originally filed and claims, which provides support for a dynamic beacon period.

Applicant's claim 1 recites, in part:

dividing time into a sequence of at least one superframe comprising at least one dynamic beacon period and at least one data transmission period, said dynamic beacon period having a predetermined maximum length and including a variable plurality of beacon slots.

The "dynamic beacon period" of claim 1 is supported at least at page 6 of the provisional application, which recites:

The length of the beacon phase can be variable, as devices might join or leave the network. A variable beacon phase has the big advantage that the overhead of the beaconing gets minimal in typical cases of one sending and one or a few receiving devices. Emphasis added.

Also, page 2 of Applicant's specification as originally filed recites:

A dynamic beacon period is needed to mitigate the inefficient use of the medium occasioned by a fixed beacon period while at the same time allowing for a large maximum number of devices participating in the network.

According to the present invention, devices that intend to participate in communication with other devices send a beacon during a dynamic BP 301. The structure of the BP 301 is shown in Fig. 3. A device does not transmit frames other than beacon frames 103 during a BP 301 and scans for other beacon frames during the BP 301. *The BP 301 of the present invention is dynamic in length and includes a variable number of beacon slots 303.* Emphasis added.

In other words, an example of an embodiment of the present invention is a dynamic beacon period which can be variable in length. Therefore, Applicant respectfully asserts that the provisional application provides sufficient support for the feature of a dynamic beacon period.

Furthermore, each of the provisional and non-provisional applications identifies the same problem to be solved by a dynamic or variable beacon period. For non-limiting example, the non-provisional application at page 6 recites: “[a] dynamic beacon period is needed to mitigate the inefficient use of the medium occasioned by a fixed beacon period while at the same time allowing for a large maximum number of devices participating in the network,” while the provisional application at page 2 recites: “[a] variable beacon phase has the big advantage that the overhead of the beaconing gets minimal in typical cases of one sending and one or a few receiving devices.”

For the reasons set forth above, it is respectfully submitted that the provisional application fully supports a dynamic beacon period. Therefore, the provisional application fully supports the claims, and as such, the claims should be given the earlier priority date of February 6, 2004. Thus, Applicant respectfully submits that Salokannel does not qualify as prior art under 35 USC 102(e) in the present application. It is further submitted that Salokannel does not qualify as prior art under 35 USC 102(e) even if the earlier of Salokannel’s application, with its filing date of May 5, 2004, is relied upon in the Office Action, the proposition with which Applicant neither agrees with nor acquiesces to.

An earnest effort has been made to be fully responsive to the examiner’s correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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